

REMARKS/ARGUMENTS

In the Office Action dated January 24, 2008, claims 1-4, 7, 9-10, 12-29, and 31-34 were rejected by the Examiner under 35 USC § 103(a) over several prior art references, including U.S. patents to Reifel and Robins.

Reifel

Reifel describes providing a discounted, or free, camera to a customer in exchange for the customer's promise to buy a certain amount of prints over time. Therefore, this "commitment to create prints" in Reifel is a commitment on the part of the consumer to purchase prints. The presently amended independent claims 1, 31, and 33 clarify that the present invention is directed to a commitment on the part of a photofinisher to create prints for a customer. Hence, the patent to Reifel teaches away from the present invention because the commitment in Reifel binds a purchaser, whereas in the present invention the commitment binds a commercial service provider.

Furthermore, none of the prior art mentions a photofinisher reading a code, stored on a memory card provided by a photographer, and accessing a database to verify that a corresponding code therein obligates the photofinisher to create prints for the customer. The presently claimed database is used to verify how many more prints the consumer is entitled to receive from a photofinisher. The customer profile database in Reifel merely stores customer preferences, e.g., contact information, reprint size preferences, camera type, etc., and is not used in the same manner, e.g., verification of a commitment, as claimed in the present independent claims. Because Reifel does not teach reading a code on a removable memory card and comparing it with a data base of codes for verification purposes, Reifel cannot make obvious the presently pending independent claims.

The intent of the present invention also differs from that in Reifel. Reifel is directed to selling discounted cameras and the consumer is fairly limited in how he can use the camera and memory card. The present invention is intended to permit the consumer to use the memory card in any manner, to the same extent as if the consumer owned the camera and the memory card.

Robins

The Examiner's rejection of the presently pending claims in reliance upon the prior art patent to Robins is incorrect for several reasons. First, the examiner stated that Robins discloses "a removable memory card (134) that includes an identifier (221) that is used by a rental entity to track image capturing devices." Robins states in paragraph [0030]:

The identifier 221 may be a serial number or other identifier that is used by the rental entity to track image capturing devices.

The presently pending independent claims recite that the code on the removable memory device is electronically readable by the photofinisher. Robins does not mention or imply, in the above passage, that his identifier (221) is electronically readable by the rental entity, as required by the present independent claims.

Second, the Examiner asserts incorrectly that Robins discloses a first portion of memory (221) that is not electronically readable by the digital camera (100). The Examiner nowhere cites any excerpts from Robins that supports this conclusion. Applicants respectfully request that the conclusion provided by the Examiner with regard to this disclosure of Robins be clarified. It appears to Applicants that the examiner is arguing that Robins teaches or suggests a portion of the present invention because its "opposite" teaching is absent in the Robins patent.

Finally, Robins clearly states in paragraph [0030] that the identifier (221) is used to enable the camera. Paragraph [0030] states, in pertinent part:


. . . the identifier 221 may be used to control a particular image capturing device . . . the removable memory medium does not enable the image capturing device 100 unless the image capturing device identifier 221 corresponds to the image capturing device 100.

Therefore, the identifier (221) must be readable by the image capturing device (100). Otherwise, the image capturing device (100) in Robins could not be enabled. For all the foregoing reasons, neither Reifel nor Robins, alone or in combination, make obvious the currently amended independent claims.

In view of the foregoing it is respectfully submitted that all the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company, Deposit Account No. 05-0225.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.